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OFFICE OF PETITIONS

In re Application of Bogdan et al. :
Application No. 10/648,909 :
Filing Date: August 27, 2003 :
Attorney Docket No. 67,108-017 :

Decision on Petition

This is a decision on the petition filed April 17, 2009, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

The Office mailed a Notice of Allowance on July 23, 2008. The Notice set a time period for reply of three months. The Office did not receive a reply to the Notice of Allowance. As a result, a Notice of Abandonment was mailed November 19, 2008.

Petitioner contends the Notice of Allowance was never received.

The evidence submitted by petitioner is sufficient to prove non-receipt of the Notice of Allowance. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

On December 11, 2008, petitioner submitted Form PTOL-85b for the application, the required issue fee, and the required publication fee. Therefore, the Office does not need to mail a new Notice of Allowance.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and will issue the application as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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